

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 02 KUWAIT 001273

SIPDIS

DEPT FOR NEA/ARP, DS/ICI/PII, DS/IP/NEA

E.O. 12958: DECL: 04/02/2013

TAGS: [ASEC](#) [PTER](#) [PREL](#) [CASC](#) [KU](#)

SUBJECT: FOLLOW-UP ON JANUARY 21 TERROR ATTACK IN KUWAIT

REF: A. KUWAIT 00222

[1](#)B. KUWAIT 00225

(U) LAW ENFORCEMENT SENSITIVE; PROTECT ACCORDINGLY

[1](#)1. (SBU) The following is an update on judicial actions taken against those involved in the January 21 terrorist attack on U.S. citizens near Camp Doha. The GOK moved quickly to apprehend the gunman and other suspects, however two accessories remain at large and the Kuwaitis have had little success in locating them. The wheels of justice in Kuwait sometimes spin slowly; the trial has already been postponed from March 12 to April 2, and again from April 2 to April 7.

PRIME SUSPECT: SAMI AL-MUTAIRI

[1](#)2. (U) Sami Al-Mutairi faces charges of felony murder and attempted murder (as well as a variety of weapons charges) as a result of the January 21, 2003 shooting of two American DoD contractors, Michael Rene Pouliot and David Caraway. Pouliot and Caraway were shot in their vehicle as they sat at a red light near Camp Doha; Pouliot was killed instantly while Caraway sustained multiple gunshot wounds. Pouliot and Caraway were employees of Tapestry Solutions, a San Diego based defense contractor involved in the development of software applications used in military training.

[1](#)3. (SBU) Al-Mutairi attempted to flee to Saudi Arabia, but was apprehended at a Saudi border checkpoint on January 22. He confessed twice while in Saudi custody and was turned over to Kuwait State Security (KSS) later that morning, at which time he offered a third confession. Al-Mutairi was a social worker employed by the GOK at the time of the shooting. A known Islamic extremist, his passport was seized in late 2001 by KSS after he made an unsuccessful attempt to travel to Afghanistan to fight with the Taliban. Arrested in Iran, Al-Mutairi (and other young Kuwaitis) spent two months in jail there before being deported back to Kuwait. At his first hearing on February 2, Al-Mutairi recanted, claiming his confessions were coerced. He was held pending further investigation, and remains in custody today. Al-Mutairi's trial was first scheduled to begin March 12, but was postponed at that time until April 2. The trial opened briefly on April 2 before being postponed again until April 7.

[1](#)4. (U) Sami al-Mutairi is being charged with felony murder and attempted murder. It is likely his trial could last for one year; the trial begins when the public prosecutor files the indictment with the competent criminal court and ends when a judgement is rendered by the Court of First Instance. Once a criminal judgement is rendered, either the prosecutor or the defendant can appeal the decision to the Court of Appeals. At both the Court of First Instance and the Court of Appeals, a panel of three judges will hear the case; there is no trial by jury in Kuwait. If the Court of First Instance returns a guilty verdict and imposes the death penalty, the case will automatically be heard again by the Court of Appeals. The appellate process is likely to last one year before a final and enforceable judgement is rendered. If the death penalty is ordered, the judgement cannot be carried out without the endorsement of the Amir, who has the discretion to pardon the defendant or to commute the sentence.

ACCOMPLICES

[1](#)5. (SBU) Abdullah Amr Al-Utaybi trained Al-Mutairi in the operation of the AK-47 used in the attack. According to Al-Mutairi's confession, after the attack, he invited himself to Al-Utaybi's farm where he revealed his involvement in the shooting. Al-Utaybi praised Al-Mutairi for the attack and agreed to help him escape into Saudi Arabia. Employed by Arab Oil Company, Al-Utaybi crossed the border on his company ID after dropping Al-Mutairi off at the Kuwaiti border checkpoint. He planned to meet Al-Mutairi at a gas station on the Saudi side of the border, but Al-Mutairi was detained by Saudi police before reaching the rendezvous point. KSS believes Al-Utaybi is hiding in Saudi Arabia, and is working with the Saudis to find and extradite him for questioning regarding his involvement in the shooting.

16. (SBU) Badi Kruz Al-Ajami was arrested by KSS for transferring the AK-47 which Al-Mutairi used in the attack. Kruz is a known Islamic extremist with a criminal history; he was arrested in 2000 for attacking a Kuwaiti female whose face was uncovered, and served time for involvement with the Muhammed Al-Dusari terrorist case from November 2000. He remains in custody at this time pending further investigation.

17. (SBU) Rajih Hassan Al-Ajami is charged with transporting the AK-47 from Kruz to Al-Mutairi. His current location is unknown, but he is believed to have possibly fled Kuwait.

18. (SBU) Khalifa Al-Dihani was arrested for selling 700 rounds of ammunition to Al-Mutairi. He remains in custody pending further investigation.

COMPENSATION

19. (U) In Kuwait, the victim of a crime (or his heirs) are entitled to claim civil compensation before the criminal court which is handling the case. The civil claimant is entitled to representation during the trial and may appeal the civil judgement. The criminal court has the discretion to postpone the civil component of the trial until after sentencing if it determines the simultaneous consideration of both criminal and civil components will delay disposition of the criminal element. If the Amir chooses to pardon the defendant or to commute his sentence, that will have no bearing on the civil element of the case and will not prevent payment of compensation to the victim (or his heirs).

10. (C) Both Tapestry Solutions and David Caraway have contacted post to indicate their desire to seek compensation, and both have retained local counsel to pursue their claims.

COMMENT

11. (C) Since the shooting on January 21, post has been actively involved in this case. An FBI team arrived in Kuwait on January 24, and remains in country participating in the investigation. The team is in regular contact with KSS and the public prosecutors, underlining U.S. determination to see those responsible for this attack punished. ConOff maintains close contact with David Caraway, Tapestry Solutions, and Michael Pouliot's widow Carol, and furnishes regular updates on the progress of the investigation. Although the Kuwaitis are eager to see Sami Al-Mutairi held accountable for the shooting, progress in arresting accessories has been limited and the final disposition of the case cannot be predicted. Post will continue to closely monitor this case and keep up the pressure on Kuwait and bring all those involved in this attack to justice.
JONES